REMARKS

Claims 1-8 are pending and under consideration in the above-identified application.

In the Final Office Action dated October 16, 2008, the Examiner rejected claims 1-8. Claims 4 and 7, however, were deemed to have allowable subject matter.

With this Amendment, claims 1, 4, 5 and 7 were amended. No new matter has been introduced as a result of the amendments.

I. Information Disclosure Statement

Examiner stated that the information disclosure statement (IDS) filed on September 18, 2008 fails to comply with 37 CFR 1.97 because the NPL document, "RF Mems for Wireless Applications" does not contain a date. The reference date for the above mentioned article is June 24, 2002. Applicant resubmitted the reference on the appropriate IDS form with the date included.

II. 35 U.S.C. § 102 Anticipation Rejection of Claims

Claims 1, 3, 5, 6 and 8 were rejected under 35 U.S.C. § 102(b) as being anticipated by Frey et al. (U.S. Patent No. 6,489,864). Applicant respectfully traverses this rejection.

The claims require a micro-resonator having a beam structure where the beam is a vibrating electrode beam. The beam structure for the micro-resonator includes at least two beams that are parallel to each other and cross over a portion of the substrate. As shown in figure 3, the parallel beams are not physically connected to each other. As discussed in the Specification, the structure required by the claims allows the micro-resonator to be regarded as one resonator of the vibrating electrode area of which can be increased with the addition of a beam. As such, the synthesized impedance can be adjusted based on the number of beams. Specification, Page 9.

Frey et al. teaches a filter that has a vibrating body. Frey et al., Abstract. As shown in Figures 1 and 5, the vibrating body is either one large beam that spans across the electrodes or

more than one partial vibrating body, connected by a node (11). The node connects the partial vibrating bodies to each other at the center of the excitation electrodes in order to minimize charge flow between the partial bodies. Frey et al., Col. 3, lines 6-19. Frey et al. does not, however, teach or even fairly suggest at least two beams that are parallel to each other but not physically connected to each other as required by the claims, which as discussed above, allows the synthesized impedance to be adjusted. As such, Frey et al. fails to teach or even fairly suggest all the requirements of the claims. Thus, the claims are patentable over the cited reference. Accordingly, Applicant respectfully request the above rejection be withdrawn.

III. Allowable Subject Matter

Claims 4 and 7 contain allowable subject matter, but are dependant upon a rejected claim. Accordingly, Applicant rewrote claims 4 and 7 in independent form to include all the limitations of the base claims. As such, claims 4 and 7 are now allowable.

IV. Conclusion

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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